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STATUS OF THE INTERNATIONAL CONVENTION AGAINST APARTHEID IN SPORTS

Note by the Secretariat

1. As a number of States parties to the International Convention against Apartheid in Sports did not pay their contributions in 1991, the question of the non-payment of contributions to the budget of the Commission against Apartheid in Sports as well as other financial questions were addressed to the Office of Legal Affairs. In its response, the latter confirmed that States parties have a legal obligation to pay their contributions. The questions and the response of the Office of Legal Affairs are contained in a document 1/ issued by the Meeting of States Parties and circulated to the members of the Commission.

2. On 29 January 1992, the States parties held an informal meeting at which they discussed the status of the International Convention against Apartheid in Sports. Subsequently, the Chairman of the meeting addressed two questions to the Office of Legal Affairs concerning the status of the Convention, in the light of General Assembly resolution 46/79 A of 13 December 1991. Paragraph 9 of the resolution reads as follows:

> "Calls upon the international community, in view of the progress made in overcoming obstacles to negotiations, ... to resume sports links with unified non-racial sporting organizations of South Africa which have received endorsement by the appropriate non-racial sporting organizations within South Africa and to assist disadvantaged athletes in that country;".

The Chairman also inquired whether a meeting of the States parties can decide on the status of the Convention and/or assume the functions of the Commission

and whether an annual meeting of the Commission is mandatory. The response of the Office of Legal Affairs is contained in a document, 2/ which has been circulated to the members of the Commission.

3. The views of the States parties on the questions and the response of the Office of Legal Affairs were sought at the eighth Meeting of the States Parties, held on 10 June and 21 July 1992, where the status of the Convention and the meeting of the Commission were discussed. The Chairman of the Meeting of the States Parties subsequently transmitted the report on the subject to the States parties. The report is set out in the annex to the present document.

4. The Commission may consider it appropriate to make proposals to the General Assembly and the Meeting of the States Parties concerning its future work and the status of the International Convention against Apartheid in Sports, including the question of the holding of future meetings.

5. The terms of office of six members of the Commission will expire in March 1993.

Notes

1/ CAAS/SP/1991/L.6.

2/ CAAS/SP/1992/L.2.

Annex

Report of the Chairman of the eighth Meeting of the States Parties to the International Convention against Apartheid in Sports, held on 10 June and 21 July 1992

At the eighth Meeting of the States Parties, the following issues were considered:

1. Status of the International Convention against Apartheid in Sports

The Meeting of the States Parties considered document CAAS/SP/1992/L.2, which contains two questions concerning the status of the Convention and the convening of a meeting of the Commission against Apartheid in Sports, addressed by the Secretariat, at the request of the Chairman, to the Legal Counsel, and the answers of the latter.

The States parties discussed, in general terms, developments in South Africa, and how they related to the purposes of the Convention and its overall scope of application. The States parties confirmed the validity of the Convention and its purposes, and expressed the view that the Convention has contributed to bringing about a process of change to begin in South Africa. In that context, several States parties stressed that the Convention was applicable also with regard to any other potential case of apartheid. The importance of States parties' submitting reports as required under article 12, paragraph 1, of the Convention was emphasized.

A number of States parties stated that they would discuss this matter in connection with the arrangements for the 1992 session of the Commission.

2. Arrangements for the 1992 session of the Commission against Apartheid in Sports

The States parties considered this question both at the first and at the resumed session of the Meeting. A number of States parties expressed the view that convening the Commission at this time would not be appropriate for the following reasons:

(a) The potentially positive developments in South Africa;

(b) The participation of South Africa in the Olympic games;

(c) The adoption of General Assembly resolution 46/79 A;

(d) The absence of any report as required under article 12, paragraph 1, of the Convention.

These States parties therefore proposed the convening of a special meeting of the States parties under article 12, paragraph 4, which, in their view, would be more meaningful. The majority of States parties present, however, were in favour of convening a meeting of the Commission.

At the resumed session, the Chairman circulated a draft report of the Chairman in an effort to facilitate the search for common ground and agreement among States parties.

After consideration of issues raised, the Meeting decided to authorize the Chairman: (a) to proceed with the necessary arrangements to convene the Commission in the first part of September 1992; (b) to appeal to all States parties which have not yet done so to submit their reports by September 1992; (c) to appeal to all States parties that have not yet paid their contributions, to do so; (d) to consult with Member States in order to seek voluntary contributions to the budget of the Commission; and (e) to request those States parties in a position to do so to pay the expenses of their nationals who are members of the Commission when fulfilling their duties in that function.

Several States parties restated their reservations in connection with the decisions taken by the Meeting concerning the convening of the Commission.

The Chairman then appealed to the States parties to submit their reports, under article 12, paragraph 1, before September 1992 and to pay their contributions for this year, and to those in arrears to pay their contributions for previous years, before 21 August 1992. The Chairman also requested the States parties whose nationals serve in the Commission, and which are in a position to do so, to cover the expenses of their respective members.

The Chairman stated also that he would consult with the Permanent Representative of the States parties concerning voluntary contributions to cover the expenses of the meeting of the Commission, though this method would be a last resort.

3. Administrative and financial implications relating to measures of implementation of the Convention

This agenda item was added at the resumed meeting. The Chairman drew the attention of the representatives of States parties to document CAAS/SP/1992/L.4, which contains the statement by the Secretary-General on this subject.

While taking note of the above-mentioned reservations of a number of States parties, concerning the convening of the Commission, the Meeting of the States Parties approved the expenses of the Commission and confirmed the method of apportionment of these expenses among themselves as agreed upon earlier.